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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,160	08/01/2005	Masanori Itoh	OKUDP0122US	8436
51921 7590 07/26/2011				
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EXAMINER				
ANYIKIRE, CHIKAO DILIE				
ART UNIT		PAPER NUMBER		
2482				
MAIL DATE		DELIVERY MODE		
07/26/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,160

Applicant(s)

ITO ET AL.

Examiner

CHIKAODILI ANYIKIRE

Art Unit

2482

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 14, 2011 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Asada et al (US 6,272,286, hereafter Asada) in view of Kanai et al (US 2003/0123861, hereafter Kanai).

As per **claim 1**, Asada discloses a method for selectively recording a first data stream in a first format, not a second data stream in a second format, on a storage medium, and converting the first data stream into a second data stream, wherein each said data stream is an arrangement of a plurality of data units, each including compressed and encoded video data, and wherein in the first format, a first time range is set to define a permissible variation in the video playback duration of the respective data units, and wherein in the second format, a second time range is set to define a permissible variation in the video playback duration of the respective data units, the method comprising the steps of:

receiving a content representing the video (Fig 21 element 1403; column 17 lines 7 - 10);

generating the compressed and encoded video data of the content (Fig 21 element 1404; column 16 lines 59 – 64 and column 17 lines 11-20);

making the data units out of the video data such that the playback duration of each said data unit falls within both of the first and second time ranges (column 6 lines 44 – 48); and

recording the first data stream, including the data units, on the storage medium (Fig 21 element 1404; column 16 lines 59 – 64 and column 17 lines 11-20).

However, Asada does not explicitly teach converting the first data stream, which is recorded on the storage medium, into the second data stream without recompressing and re-encoding the first data stream.

In the same field of endeavor, Kanai teaches converting the first data stream, which is recorded on the storage medium, into the second data stream without recompressing and re-encoding the first data stream (paragraph [0043] and [0060] lines 10-14).

Therefore, it would have been obvious for one having skill in the art at the time of the invention of Asada in view of Kanai. The operation is conducted reliably (paragraph [0044] lines 9-12).

As per **claim 2**, Asada discloses the recording method of claim 1, wherein the first time range includes a time range for a first terminal data unit, which is located at the end of the first data stream, and a time range for the data units other than the first terminal data unit, and wherein the second time range includes a time range for a second terminal data unit, which is located at the end of the second data stream, and a time range for the data units other than the second terminal data unit, and wherein the step of making the data units includes making the terminal data units such that the playback duration of each said terminal data unit falls within the respective time ranges of both the first and second terminal data units (column 6 lines 44 – 48; Asada suggests

that there are multiple video object units that have time ranges falling within a first time range and a second time range depending on there location in the bitstream).

As per **claim 3**, The recording method of claim 2, wherein if the playback duration of a data unit being made when the first data stream finishes being recorded is less than the minimum value of the playback duration of the terminal data unit that falls within both of the two time ranges, the step of making the data units includes combining the data unit being made with its previous data unit, thereby making the terminal data unit, of which the playback duration is the minimum value of the two time ranges (column 6 lines 44 – 48 and column 19 lines 15 – 30).

As per **claim 4**, Asada discloses the recording method of claim 1, further comprising the step of generating management information about the amount of data and the number of pictures included in each said data unit, wherein the step of recording includes recording the management information on the storage medium as a different data stream from the first data stream (column 16 lines 48 – 60).

As per **claim 5**, Asada discloses the recording method of claim 2, wherein the time range for the first terminal data unit is 0 second through 1 second, and the time range for the second terminal data unit is 0.4 second through 1.2 seconds (column 6 lines 44 – 48).

As per **claim 6**, Asada discloses the recording method of claim 5, wherein the time range for the data units other than the first terminal data unit and the time range for

the data units other than the second terminal data unit are both 0.4 second through 1.0 second (column 6 lines 44 – 48).

As per **claim 7**, Asada discloses the recording method of claim 1, wherein the first time range is 0 second through 1 second, and the second time range is 0.4 second through 1.2 seconds (column 6 lines 44 – 48).

As per **claim 8**, Asada discloses the recording method of claim 2, wherein if the playback duration of a data unit being made when the first data stream finishes being recorded is less than the minimum value of the playback duration that falls within both of the two time ranges, then the step of making the data units includes discarding the data unit being made (column 6 lines 44 – 48 and column 19 lines 15 – 30).

As per **claim 9**, Asada discloses the recording method of claim 2, wherein the step of making the data units includes receiving an instruction to stop recording the first data stream and if the playback duration of a data unit being made when the instruction is received is less than the minimum value of the playback duration that falls within both of the two time ranges, continuing recording until the playback duration reaches the minimum value (column 6 lines 44 – 48 and column 19 lines 15 – 30)..

Regarding **claim 10**, arguments analogous to those presented for claim 1 are applicable for claim 10.

Regarding **claim 11**, arguments analogous to those presented for claim 2 are applicable for claim 11.

Regarding **claim 12**, arguments analogous to those presented for claim 3 are applicable for claim 12.

Regarding **claim 13**, arguments analogous to those presented for claim 4 are applicable for claim 13.

Regarding **claim 14**, arguments analogous to those presented for claim 5 are applicable for claim 14.

Regarding **claim 15**, arguments analogous to those presented for claim 6 are applicable for claim 15.

Regarding **claim 16**, arguments analogous to those presented for claim 7 are applicable for claim 16.

Regarding **claim 17**, arguments analogous to those presented for claim 8 are applicable for claim 17.

Regarding **claim 18**, arguments analogous to those presented for claim 9 are applicable for claim 18.

Regarding **claim 19**, arguments analogous to those presented for claim 1 are applicable for claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 - 7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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